THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.12743 of 2007

Dated 24-07-2007

Between:

Puligoru Prabhakar Reddy

…Petitioner

And

The Government of A.P.,
Rep. by its Principal Secretary,
Co-operation Department, Hyderabad, and others.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.12743 of 2007

ORDER:

The petitioner challenges the proceedings dated 14-06-2007,

through which the 1st respondent stayed the election of the Managing Committee of the Tirupati Co-operative Urban Bank,
the 5th respondent.

The elections to the Managing Committee of the 5th respondent-Bank, became due, very long ago. It was only on 20-05-2007, the Election Authority, the 3rd respondent, issued notification, declaring the election schedule. He has also appointed the 4th respondent as Election Officer. The election schedule was to commence from 23-05-2007, and conclude on 17-06-2007. On the representations, said to have been made by certain individuals, the 1st respondent stayed the elections.

Petitioner contends that the circumstances, under which the 1st respondent can stay the elections, are clearly enumerated in Rule 22-C of the A.P. Co-operative Societies Rules, 1964 (for short '*the Rules*'), and the impugned order does not contain any reasons, much less, they accord with the relevant provisions. He contends that there was absolutely no basis, or justification, for the 1st respondent to stay the election.

The 1st respondent filed a counter-affidavit, narrating the circumstances, under which the elections came to be stayed. It is ultimately pleaded that, in pursuance of the interim directions issued by this Court, on 26-06-2007, the matter was taken up, and the stay was vacated.

Heard the learned counsel for the petitioner and learned Government Pleader for Co-operation.

Whenever an election programme is notified, it is to be honoured, in all respects, and cannot be interdicted, except where extraordinary circumstances exist. Rule 22-C of the Rules stipulates three circumstances, under which the elections to a society can be stayed by the 1st respnodent. They are: a) breakdown of law and order, b) occurrence of any natural calamity, and c) reasonable apprehension, that the voters will not be allowed to vote, frankly and freely. In a way, the reasons, (a) and (c), are the different facets of same cause. The Rule further mandates that, whenever the 1st respondent stays the election, in exercise of power under this provision, the reasons must be clearly mentioned.

In the instant case, the impugned order does not contain any reason. Therefore, there is a clear violation of Rule 22-C of the Rules. This Court passed an interim order, on 26-06-2007, leaving it open to the petitioner to file an application before the 1st respondent, for vacating the stay. It was further directed that, as and when the application is filed, it shall be disposed of, within seven days, from the date of presentation. The subsequent proceedings disclosed that, on a technical ground, that the petitioner did not serve the papers on the persons, at whose instance the stay was granted; further steps were not taken. The petitioner filed an application on 02-07-2007, for vacating the stay. It was only on 13-07-2007, that an endorsement was made, to the effect that the petitioner must serve the papers on the concerned party. This Court took exception to such course of action, and required the 1st respondent to explain, as to why necessary observations be not made, in this regard.

The 1st respondent stated *inter alia* that he did nothing more,

than convey the orders, that were passed by the Honourable Minister.

Be it, on account of improper advise tendered to him, or, not being conversant with the provisions of law, the concerned authority, not only granted stay, contrary to the provisions of the Act, but also did not evince the required amount of interest, to give effect to the orders passed by this Court. However, at a belated stage, the 1st respondent passed orders dated 23-07-2007, vacating the stay granted by it, through the impugned proceedings. With this, the grievance of the petitioner stands redressed. Now, it is for the 4th respondent to proceed with the election programme, in accordance with the relevant provisions of law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.24-07-2007.

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